

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**ROGER KNOX, WINTERCAP SA,
MICHAEL T. GASTAUER, WB21 US
INC., SILVERTON SA INC., WB21 NA
INC., C CAPITAL CORP., WINTERCAP
SA INC. AND B2 CAP INC.**

Defendants.

**RAIMUND GASTAUER, SIMONE
GASTAUER FOEHR, B21 LTD.,
SHAMAL INTERNATIONAL FZE, AND
WB21 DMCC**

Relief Defendants.

1:18-CV-12058-RGS

**PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AS TO DEFENDANTS
WB21 US INC., SILVERTON SA INC., WB21 NA INC., C CAPITAL CORP.,
WINTERCAP SA INC., AND B2 CAP INC. AND RELIEF DEFENDANTS
RAIMUND GASTAUER, B21 LTD. AND WB21 DMCC**

Plaintiff Securities and Exchange Commission (the “Commission”) hereby moves for summary judgment on all of its claims against defendants WB21 US Inc., Silverton SA Inc., WB21 NA Inc., C Capital Corp., Wintercap SA Inc., and B2 Cap Inc. (collectively, the “Entity Defendants”), and relief defendants Raimund Gastauer, B21 Ltd. and WB21 DMCC (collectively, the “Relief Defendants”). Specifically, the Commission seeks a ruling that the Entity Defendants aided and abetted violations of Sections 5(a), 5(c) and 17(a) of the Securities Act of 1933 (“Securities Act”), and Section 10(b) of the Securities Exchange Act of 1934 (“Exchange Act”) and Rule 10b-5 thereunder, and that the Relief Defendants are liable in unjust enrichment for having received proceeds of fraud.

As remedies for these violations, the Commissions seeks against the Entity Defendants judgments that: 1) find them liable for aiding and abetting violations of Section 5 and Section 17(a) of the Securities Act and Section 10(b) of the Exchange Act and Rule 10b-5 thereunder; 2) permanently enjoin them from directly or indirectly violating Sections 5 and 17(a) of the Securities Act and Section 10(b) of the Exchange Act and Rule 10b-5 thereunder; and 3) order each of the Entity Defendants to pay disgorgement plus prejudgment interest and a civil penalty. In addition, the Commission asks the Court to enter judgments against the Relief Defendants that order them to repay the ill-gotten gains they received from the Entity Defendants with interest.

In support of this motion, the Commission submits the accompanying memorandum of law, a Local Rule 56.1 Statement of Undisputed Facts, an Appendix of Exhibits, and the declarations of Trevor Donelan and Shania Lazzaro. The Commission also submits herewith proposed Final Judgments as to each of the Entity Defendants and Relief Defendants.

Respectfully submitted,

February 22, 2022

SECURITIES AND EXCHANGE COMMISSION

By its attorneys,

/s/ Kathleen Shields

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

The undersigned has conferred with counsel for WB21 US Inc., Silverton SA Inc., WB21 NA Inc., C Capital Corp., Wintercap SA Inc., B2 Cap Inc., Raimund Gastauer, B21 Ltd. and WB21 DMCC and the parties have not been able to reach an agreement that narrows the issues presented in this motion.

/s/ Kathleen Shields
Kathleen Shields

CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2022, a true and correct copy of the foregoing document was filed through the Court's CM/ECF system, and accordingly, the document will be sent electronically to all participants registered to receive electronic notice in this case. A copy will also be sent via first class mail and/or email to those parties who have not yet registered for notice via the Court's CM/ECF system.

/s/ Kathleen Shields
Kathleen Shields